

TO THE PUBLIC AND RESIDENTS OF VERNAL CITY:

Notice is hereby given that the **VERNAL CITY PLANNING COMMISSION** will hold a regular meeting on **Tuesday, November 10, 2015 at 7:00 p.m.** in the Vernal City Council Chambers at 374 East Main Street, Vernal, Utah.

AGENDA

A. STANDING BUSINESS

1. Welcome and Designation of Chair and Members
2. Approval of Minutes of September 8, 2015 Regular Meeting **(TAB 1)**
3. Approval of Minutes of October 6, 2015 Special Meeting **(TAB 2)**

B. REZONE

1. Request for Recommendation to Consider a Rezone for Trevor Carter for the Property Located at 379 North 500 West, Vernal, Utah from – Application No. 2015-015-REZ – Allen Parker **(TAB 3)**

C. DISCUSSION ITEMS

1. Vernal City Municipal Planning & Zoning Code to Discuss Amending Fencing Regulations – Chapters 16.24, 16.48, 16.50, 16.20 – Allen Parker **(TAB 4)**
2. Vernal City Municipal Planning & Zoning Code to Discuss Amending Pre-Manufactured Homes – Chapters 16.04, 16.24, 16.46, 16.56 – Allen Parker **(TAB 5)**
3. Planning Commission Members Expiring Terms – Allen Parker

D. ADJOURN

MINUTES of the Vernal City PLANNING COMMISSION

Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

September 8, 2015

7:00 pm

Members Present: Vice-Chair Samantha Scott, Ken Latham, Kimball Glazier, Scott Gessell

Members Excused: Chair Mike Drechsel, Rory Taylor and Kathleen Gray

Alternates Present: Adam Ray

Alternates Excused: Kam Pope

Staff Present: Allen Parker, Assistant City Manager; Jeff Shaffer, Building Inspector and Gay Lee Jeffs, Administrative Clerk.

WELCOME AND DESIGNATION OF CHAIR AND MEMBERS: Vice-Chair Samantha Scott welcomed everyone present to the meeting.

APPROVAL OF MINUTES FROM AUGUST 11, 2015: Vice-Chair Samantha Scott asked if there were any changes to the minutes from August 11, 2015. There being no corrections, *Kimball Glazier moved to approve the minutes of August 11, 2015 as presented. Ken Latham seconded the motion. The motion passed with Samantha Scott, Ken Latham, Kimball Glazier, Adam Ray and Scott Gessell voting in favor.*

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE FOR TREVOR CARTER FOR THE PROPERTY LOCATED AT 379 NORTH 500 WEST, VERNAL, UTAH – APPLICATION NO. 2015-015-REZ – ALLEN PARKER: Allen Parker explained that Trevor Carter would like to rezone the property from the current R-1 residential zone to R-4 residential zone. The property will be going from a low density zone for residential purposes to high density zone for residential purposes. The property is surrounded by several different zones, but is currently contiguous with R-1 zone. The parcel is 2.6 acres. The parcel to the west is zoned R-2, and the parcels to the East are zoned R-3. To the north is zoned CP-2. The CP-2 parcel is owned by Uintah Basin Medical Center. There are residential zones in all other areas that surround the parcel that are not vacant. The General Plan map shows the parcel is in a commercial area and also in a mixed use area. Mixed use indicates that we want to see a mixture of uses in the area. The staff has reviewed this application and found that it complies with the requirements of the General Plan and is an approvable application. Mr. Parker stated that this is a public hearing as a recommendation to the City Council.

Adam Ray asked where the access would be to the property. Trevor Carter explained that the two parcels to the East, Mr. Schaefermeyer owning the lower parcel and Mr. Shane Mayberry owning the Northern parcel, the line that separates the property has as easement just south of the property. Kimball Glazier asked how the land would be developed. Mr. Carter stated he had considered residential lots as well as multi-family lots. Mr. Carter mentioned that he had built

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47 something similar in Maeser and felt that the only viable option would be the multi-family lots.
48 Mr. Carter handed out a visual concept, and indicated that it was not a concrete concept, as there
49 has not been any engineering completed on the project. It shows twenty-four units which would
50 be four buildings of six units to each building. Mr. Glazier confirmed that one access was
51 allowed for twenty-four units within the Code and asked about a private driveway being allowed.
52 Mr. Parker stated that one access was allowed for twenty-four units within the Code, but
53 anything more than twenty-four units would require more than one access. Mr. Parker also
54 stated that a private driveway would be allowed on the flag lot, but would still need the minimum
55 frontage. Mr. Parker explained that they are still discussing options to make sure Mr. Carter can
56 comply with the Code. Mr. Carter stated that all issues have not been resolved at this time,
57 because he wanted to get the rezone request approved before proceeding. Vice-Chair Samantha
58 Scott opened the public hearing for the rezone request.
59

60 Norman Pease, located at 295 North 500 West, stated that he lives over the fence from the
61 development. Mr. Pease stated that he noticed that everything surrounding the parcel is private
62 property. There is no access for children to go to the schools, except out the driveway. The R-1
63 zones are slowly changing, and Mr. Pease indicated that he is up against a big development. Mr.
64 Pease stated that he would like the property to stay a R-1 zone, and added that the rezone will
65 directly impact his property as his backyard would be next to the developed area. Mr. Pease
66 stated that he would like a high private fence between the two properties if the rezone is
67 approved.
68

69 Brent Hales, a representative for the Uintah Basin Medical Center, stated that the Uintah Basin
70 Medical Center and Urgent Care facilities are on the adjoining property. These facilities are
71 concerned about the potential development for high density housing on this property. Mr. Hales
72 explained that when the medical center purchased approximately eight acres of land for the
73 medical center, they had future plans of developing the property into a medical plaza. There are
74 no current plans to expand, but they would like to move the dialysis center to the medical plaza
75 at some point. The medical center would like the surrounding properties to stay single family
76 dwellings or continue to expand into a professional plaza. The concern is having high density
77 housing becoming low income housing, because residents that are typically found in low income
78 housing would not be conducive with the clientele that would be surrounding a medical facility
79 where there are pharmaceutical drugs that are accessible that would be impactful to the
80 businesses. One real concern was from an economic perspective. There are a lot of multi-family
81 dwellings and single family dwellings within the Basin. Mr. Hales voiced his concern that Mr.
82 Carter's project might get started and then only get partially completed due to funding issues or
83 lack of sales. Then the project would deteriorate and would become an eye sore reducing the
84 property values in the surrounding area. Mr. Hales stated that he does not feel like the high
85 density, low income housing will be conducive to Uintah Basin Medical Center's plans to
86 develop their commercial property.
87

88 Katie Grubau, located at 318 North 700 West, stated that she is concerned about privacy issues
89 and the low income housing issues if this property is rezoned to high density and developed as
90 such. Ms. Grubau stated that she bought her home to have the peaceful surroundings without
91 having to worry about her child's safety.
92

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93 Mike Schaefermeyer, located at 721 South 500 West, stated that he owns property just west of
94 the proposed rezone property. Mr. Schaefermeyer explained that approximately 10 years ago, he
95 requested a rezone from R-1 to R-3 of his property located at 345 North 500 West. The request
96 was granted with a conditional use permit to build an office building. Mr. Schaefermeyer
97 indicated that according to his memory, Councilmember JoAnn Cowan motioned to make the
98 change with the condition that the property, owned by Marilyn Oscarson at that time, would
99 never be addressed to change again and the approved request made permanent. Mr.
100 Schaefermeyer suggested that the Commission research and read the past meeting minutes,
101 before making a recommendation to the City Council.
102

103 Shane Mayberry, located at 949 South 2000 East, stated that he has property just northwest of the
104 proposed rezone property at 369 North 500 West. Mr. Mayberry mentioned that he bought his
105 property for the same purpose as Mike Schaefermeyer. Mr. Mayberry stated that he is
106 completely against the property being rezoned. Mr. Mayberry explained that he along with Brent
107 Hales looked at the other property Mr. Carter developed in the Maeser area, and both agreed that
108 it is not the kind of property that they want in the proposed rezone area. Mr. Mayberry stated
109 that he talked to Steve Jones, who owns three acres located at 661 West 500 North, and he
110 indicated that the property values had dropped enough and did not want them to drop further.
111 Mr. Mayberry stated that Mr. Jones was also opposed to the development. Mr. Mayberry stated
112 that he spoke to Lorri Pitchford, who owns a twin home at 400 North 700 West, and she had
113 indicated that she had problems with people speeding through her area. When it was reported to
114 the City Police Department, she was told to collect the license plate numbers, and they would get
115 back to her, which they did not. Mr. Mayberry reported that he had Ms. Pitchford's signature
116 stating that she was also against the development. Mr. Mayberry stated that he also talked to
117 Robert Crisswell, Ann Yates, Lori Swister, and a retired school teacher from Spanish Fork who
118 all live in the twin home development, and they are all opposed to the development. Mr.
119 Mayberry mentioned that he has a legal right-of-way on the southern border of his property, and
120 only pavement is allowed to go on that property; therefore, it would be up in the air as to what
121 will be needed for an easement. Mr. Mayberry stated that whether low income or not, when you
122 squash people shoulder to shoulder, the more problems there are as a result. Mr. Mayberry
123 stated that when he was a clergyman, there were drug problems and shootings in another high
124 density area. Mr. Mayberry stated that over time, whether in new or old units, high density
125 housing still brings great distress and concern to himself and others. Mr. Mayberry stated that he
126 feels that the proposed development would be a liability for the surrounding businesses. Mr.
127 Mayberry stated that there is a natural evolution for the plaza in that area and would like to keep
128 it a professional area. Mr. Mayberry stated that he had completed a search for high density
129 homes, and there were forty-one homes listed with a REALTOR® on the market in high density
130 zones. That did not include the high density homes not listed with a REALTOR®. Mr.
131 Mayberry explained that this number will continue to increase as jobs are lost in the area. Mr.
132 Mayberry stated that he does not feel there is a need for more high density housing in the current
133 economy.
134

135 Lindsay Karren, located at 278 North 700 West, stated that she moved to her current location
136 from high density housing, because of the openness of the area. Ms. Karren indicated that when
137 she received notification from the City about the rezone, she was concerned that she would have
138 to list her home, because she does not like having high density homes close to her. Ms. Karren

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139 mentioned that she has rental property that she is wondering if she will be able to rent out,
140 because there are already a lot of rental properties available. Ms. Karren also stated that she does
141 not like all the trash and debris that comes with construction sites.
142

143 Trevor Carter, owner of the requested rezone property, stated that he listened to the concerns that
144 were shared. Mr. Carter explained that he looked for a location in the City that could
145 accommodate his project within the General Plan. He stated that housing in Vernal City can be
146 unaffordable and too expensive to purchase for some people, and they end up in an apartment.
147 Mr. Carter explained that his homes come at a price point below \$200,000, and he tried to make
148 homes or twin homes work on the property, but was unable to make it work financially. Mr.
149 Carter stated that he understands that he will not be able to satisfy everyone, but feels there is a
150 need for the project. Mr. Carter encouraged anyone to look at his project in Maeser. That
151 project sold quickly to police officers, teachers, forest service workers and others. Mr. Carter
152 indicated that there are some rentals in the project, but it is a Home Owners Association
153 community run by the home owners and very well taken care of. Adam Ray asked how quickly
154 the units sold and if they were built all at once or one at a time. Mr. Carter explained it was a
155 two phase project. The first phase was slower and selling about three units per month in a good
156 market. All four buildings were built at the same time for the second phase. There were two
157 buildings that were not sold due to a slower market. Mr. Carter stated a developer looks at a
158 market and sometimes it takes years to develop a product depending on the market. It is in the
159 best interest of the developer to wait until the market is good before proceeding. Mr. Carter
160 stated that the market is slow right now, but feels the demand will return. Mr. Carter said he has
161 seen developers come in and develop very fast when the market turns and some will have half-
162 finished products. Mr. Carter explained that he would have some staying power and wait for the
163 market to be ready. Scott Gessell asked Mr. Carter if he intended to wait to develop. Mr. Carter
164 explained that is a possibility with the slow market. Mr. Carter explained that he intends to take
165 his time to prepare and not speed through engineering. Mr. Carter stated he feels it could be
166 another eighteen to twenty-four months before seeing the demand return.
167

168 Norman Pease, located at 295 North 500 West, asked Trevor Carter if the property would
169 become an investment property that he could possibly sell someday. Mr. Carter explained that it
170 was not in his plans, but could not say that he wouldn't in the future.
171

172 Lindsay Karren, located at 278 North 700 West, stated that she agreed with Shane Mayberry's
173 comments. Ms. Karren added that when she lived in high density housing, people lived there
174 because they could not afford to purchase a home, but they moved as soon as they could afford
175 to do so. Ms. Karren stated that people with addictions do not try to move out of high density
176 housing. Ms. Karren indicated that she moved from high density housing, because of the
177 criminal behavior of the people in the area. Ms. Karren stated that she does not wish to have that
178 again in her backyard.
179

180 Shane Mayberry, 949 South 2000 East, stated that a little over a year ago, the Utah State
181 University made a request on eight acres of property to have it rezoned for high density housing.
182 The City Council did not pass the rezone. Mr. Mayberry stated he had talked to Jake Phillips,
183 owner of the funeral home, and he is against the rezone. Mr. Mayberry stated that of the forty-
4 one high density homes he researched on the market, the highest value was \$188,000 with homes

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starting at \$120,000. Mr. Mayberry stated he feels that the low economy in Vernal City will be long term and is not of the same nature as in years past. Mr. Mayberry stated he thinks the demand will be very low when or if the economy returns. Mr. Mayberry stated he does not think it is just to press zoning on a community that is undesirable; granted the higher the density, the higher the profit margin for a developer. Mr. Mayberry stated that he was not opposed to twin homes, but he is opposed to high density. Mr. Mayberry stated that he is worried about overbuilding as it makes life not very enjoyable, and he plead with the Commission to not put the City in a situation where there was overbuilding. Mr. Mayberry asked if he could call Steve Jones for a conference call to get his comments. Allen Parker stated that he did not know the law about telephonic comments in a public hearing. Samantha Scott stated that Mr. Mayberry expressed Mr. Jones comments, and that should be suffice.

Samantha Scott closed the public hearing. Kimball Glazier stated that he appreciated all those who expressed their concerns and encouraged them to go to the City Council and express their concerns there as well. Mr. Glazier explained the task of the Planning Commission, which was to look and see if the request meets the viability of what the citizens and City want in the community, if it meets the General Plan, and whether or not it can be approved based on that. The General Plan shows that there is a buffer zone to high density in that area. Mr. Glazier's opinion was that it would be suitable for the way the General Plan is stated. Mr. Glazier explained that Mr. Carter has a personal property right, and if he wants to build something he has the right to take that risk. Scott Gessell stated that he would be interested in reading the minutes from Mr. Schaefermeyer's comments. Mr. Parker stated that those minutes could be presented at another meeting or to the City Council. Mr. Parker stated that there is a rule that states a Council cannot bind the hands of a future Council. Mr. Gessell stated he would like to look at that other property Mr. Carter developed. Adam Ray mentioned that he had seen Mr. Carter's other property and knows some of the officers that live there. Mr. Ray added that they are affordable new town homes that have a backyard area and a big common area and are nice and well-kept areas from what he had seen. *Kimball Glazier moved to table the rezone request for Trevor Carter for the property located at 379 North 500 West, Vernal, Utah – Application No. 2015-015-REZ until the next Planning Commission meeting to give members time to look at Mr. Carter's other property and read the meeting minutes from the previous rezone request on the property. Scott Gessell seconded the motion. The motion passed with Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.* Ms. Scott invited the public to attend the next Planning Commission meeting, as well as the City Council meeting on this issue. Shane Mayberry asked if the rezone would be considered spot zoning and how much weight would the City Council put on the public comments. Mr. Parker stated that according to the General Plan, where the property is located, is not considered spot zoning. Mr. Parker added that it is up to each individual on the City Council as to how much weight would be put toward public comments.

REQUEST FOR RECOMMENDATION TO CONSIDER A REZONE REQUEST FROM VERNAL CITY FOR THE PROPERTY LOCATED AT 1265 WEST 500 SOUTH, VERNAL, UTAH FROM RA-1 RESIDENTIAL ZONE TO CP-2 COMMERCIAL ZONE – ALLEN PARKER: Allen Parker explained that Vernal City, not the property owner, is recommending the rezone request for the property located at 1265 West 500 South. Mr. Parker stated that there was not a staff report, because there was no applicant; however, there was a

memo prepared. Mr. Parker explained that in a previous meeting, the property located at 1109 West 500 South was rezoned to a CP-2 commercial zone, which left a small parcel of land that did not fit into the area. Mr. Parker stated that the City Council wanted all the property to make a smooth transition, so that is the reason for the rezone request. Mr. Parker stated that he had spoken to Mr. Heaton who owns the parcel of land and asked if he had any opposition to the rezone. Mr. Heaton did not have any concerns. Mr. Parker stated that it was supported by the General Plan. Kimball Glazier asked if it was a buildable parcel. Mr. Parkers explained that it is a buildable parcel for a CP-2 commercial zone, but not for a RA-1 residential zone, because of the size of the lot. Samantha Scott opened the public hearing for the rezone request. There being no comment, Samantha Scott closed the public hearing. *Adam Ray moved to forward a positive recommendation to the City Council to consider a rezone request from Vernal City for the property located at 1265 West 500 South, Vernal, Utah from RA-1 residential zone to CP-2 commercial zone. Kimball Glazier seconded the motion. The motion passed with Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.*

REQUEST FOR APPROVAL OF A CONDITIONAL USE PERMIT FROM STEVE COCHRAN FOR A MULTI-FAMILY DWELLING LOCATED AT 116 WEST VERNAL AVENUE, VERNAL, UTAH – APPLICATION# 2015-019-CUP – ALLEN PARKER:
Allen Parker explained that this is not a public hearing. The process changed for conditional use permits recently, and the request was not advertised for public hearing as it states on the agenda. Steve Cochran made an application for a multi-family conditional use permit at 116 West Vernal Avenue. This property is located in a C-2 commercial zone on .17 acre. In commercial zones, multi-family housing is the only type of housing allowed and only with a conditional use permit. The conditional use permit meets the definitions based on the request of the applicant of multi-family housing. Mr. Parker explained that he looked closely at what the potential impact for the adjoining properties would be, and the only condition he found is that there is no parking found with the existing structure. Mr. Parker stated that the applicant had intended to create more parking for the structure. Kimball Glazier asked if the property owner sells the property, is there any kind of statute concerning the conditional use permit. Mr. Parker explained that the conditional use stays with the property, not the owner. If there are any violations, then the City can take action to revoke the conditional use permit. Mr. Glazier asked if the Commission could require additional parking as a condition to the permit. Mr. Parker explained that the Commission could, and it would have to be stated that additional parking would be required, because of the potential impact on adjoining properties caused by the lack of parking. Mr. Parker explained that Mr. Cochran has every intention of creating additional parking for his tenants. There is plenty of room for additional parking on the back of the property. Mr. Cochran will be updating the property as he does not want the property to become an eyesore. Mr. Glazier asked Mr. Cochran if he would be creating three units. Mr. Cochran stated that Craig with CRS Engineering would be drawing up the plans to comply with the current Code. Mr. Cochran explained that he is looking at three, but no more than four units. Mr. Glazier asked what the parking requirements would be if it were a new structure. Mr. Parker explained it would be two per dwelling unit. Mr. Glazier asked Mr. Cochran if he could create eight parking stalls. Mr. Cochran answered that he thought he could do eight without any concerns. Scott Gessell commented that he thought it was a beautification as well as financial investment, as long as the parking was addressed. *Kimball Glazier moved to approve the conditional use permit from Steve Cochran for a multi-family dwelling located at 116 West Vernal Avenue,*

277 *Vernal, Utah – Application #2015-019-CUP with the condition that Steve Cochran creates two*
278 *parking stalls per dwelling unit, because of the potential impact on adjoining properties*
279 *caused by the lack of parking. Scott Gessell seconded the motion. The motion passed with*
280 *Samantha Scott, Kimball Glazier, Scott Gessell, Ken Latham, and Adam Ray voting in favor.*
281

282 **VERNAL CITY MUNICIPAL PLANNING & ZONING CODE TO DISCUSS**
283 **AMENDING FENCING REGULATIONS – CHAPTERS 16.24, 16.48, 16.50, 16.20 –**

284 **ALLEN PARKER:** Allen Parker explained that there are a lot of requirements for fencing
285 scattered throughout the Code. Mr. Parker stated that he would like to have the requirements for
286 fencing consolidated and clarified into one location in the Code and make it simple and easy for
287 fencing information. Mr. Parker stated that it will require amending a lot of sections of the Code,
288 because there are a lot of sections that refer to fencing. Mr. Parker explained that he does not
289 expect to have to change much of the fencing Code, except to clarify the conditional use
290 component. Mr. Parker stated that he will bring a clarified version to the Planning Commission
291 meeting next month.

292
293 **MISCELLANEOUS:** Allen Parker informed the Commission that Isaac Francisco is no longer
294 an alternate member on the Planning Commission.

295
296 **ADJOURN:** There being no further business, *Kimball Glazier moved to adjourn. Adam Ray*
297 *seconded the motion. The motion passed with a unanimous vote, and the meeting was*
298 *adjourned.*

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Samantha Scott, Planning Commission Vice-Chair

1 **MINUTES of the Vernal City PLANNING COMMISSION**
2 **Special Meeting**

3 Vernal City Council Chambers - 374 East Main Street, Vernal, Utah

4 October 6, 2015

5 7:00 pm

6
7 **Members Present:** Kimball Glazier, Kathleen Gray, Ken Latham, Scott Gessell

8
9 **Members Excused:** Rory Taylor, Samantha Scott, Mike Drechsel

10
11 **Alternates Present:**

12
13 **Alternates Excused:** Kam Pope, Adam Ray

14
15 **Staff Present:** Allen Parker, Assistant City Manager; Corey Coleman, Building
16 Official; and Gay Lee Jeffs, Administrative Clerk.

17
18 **WELCOME AND DESIGNATION OF CHAIR AND MEMBERS:** Chair Mike Drechsel
19 and Vice Chair Samantha Scott has been excused from the meeting. Therefore, a temporary
20 chair needs to be elected. *Kathleen Gray moved to nominate Kimball Glazier to be the*
21 *temporary chair for the October 6, 2015 Planning Commission meeting. Scott Gessell*
22 *seconded the motion. The motion passed with Kathleen Gray, Scott Gessell and Ken Latham*
23 *voting in favor to the meeting.* Temporary Chair Kimball Glazier welcomed everyone to the
24 meeting.

25
26 **REQUEST FOR RECOMMENDATION OF A REZONE FOR NICK RICHINS FOR**
27 **THE PROPERTIES LOCATED AT 509 SOUTH 500 WEST AND 589 SOUTH 500**
28 **WEST, VERNAL, UTAH-APPLICATION NO. 2015-017-REZ-ALLEN PARKER:**
29 Kimball Glazier informed the Planning Commission members that the agenda item had been
30 approved at a previous Planning Commission meeting, but there was some confusion with the
31 property parcel number. Therefore, a second public hearing had to be scheduled to ensure that
32 all surrounding property owners were invited to express their opinion.

33
34 Allen Parker stated that the process that was used for the public hearing notice included only one
35 parcel number, which was to the north of the property and not two. Both parcel numbers should
36 have been included in the public hearing notice so that all the surrounding property owners
37 would have an opportunity to voice their concerns or opinions. Mr. Parker explained that Nick
38 Richins is requesting that the zoning map be amended changing a portion of parcels located at
39 509 South 500 West and 589 South 500 West from and RA-1 residential zone to a C-2
40 commercial zone. The area of the request is currently vacant. The adjoining parcels to the south,
41 west, and east are currently zoned RA-1. The remaining parcels to the north are zoned R-1.
42 Surrounding land uses include residential and institutional/medical (Uintah Care Center). The
43 Vernal City General Plan indicates future land use for the area of the request to be "commercial",
44 a designation that is compatible with this request. The area that is proposed to be re-zoned
45 encompasses almost the entire area of the

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46 south east corner of the intersection of 500 West and 500 South that the General Plan shows as
47 commercial, and therefore does not constitute "spot zoning". The application has been made in
48 accordance of the Vernal City Code and is an approvable application.
49

50 Mr. Glazier opened the public hearing for the re-zone request. Nick Richins, 2763 South 1500
51 West, stated that approximately two years ago he purchased a portion of the property and about
52 six months later he purchased the remaining property. Over a year ago talked to the City about
53 re-zoning a portion of the property to build professional buildings for doctors, lawyers, dentists,
54 etc. Mr. Richins hoped to build two to four buildings that look like residential homes. Pictures
55 were previously given to the Planning Commission and to the City Council of the residential
56 looking professional buildings proposed. Mr. Richins stated that the buildings would one story.
57 The lot would be available for purchase to build on. He might build the buildings and lease them
58 out. The City Council asked that he create a buffer between the commercial and residential
59 zones. The intention is to build homes on the residential zoned property that will not be re-zoned.
60 The homes would be similar to the existing homes in Marcella Meadows, but will not be built
61 until the demand dictates they be built. Mr. Richins stated that he had been approached about
62 building offices on the property. That is why he has asked for the re-zone. The City Council
63 asked for a development plan with specific conditions that he can only build what he said he
64 would build which is professional office buildings on the proposed property. The commercial
65 lots would be sized to the building and the parking lots would be sized to the building
66 requirements. The vision was to have access to the buildings from 500 South and 500 West.
67 There would be an additional four accesses on 400 West for the homes that would be built there
68 and one more just north of the Massey home.
69

70 Pat Bingham, 464 West 650 South, stated she had not received a letter to attend the August 19,
71 2015 (August 11, 2015) public hearing for Mr. Richins. Ms. Bingham explained that she had
72 read the minutes from the August 19, 2015 (August 11, 2015) Planning Commission meeting
73 concerning the proposed re-zone where it stated that the Planning Commission had given Mr.
74 Richins tentative approval and asked if that meant he had been given approval on a preliminary.
75 Kimball Glazier explained that the Planning Commission gives a recommendation to the City
76 Council. The Planning Commission does not have the ability to approve or deny the request.
77 The comments that everyone makes will be taken under advisement for a recommendation to the
78 City Council. Mr. Glazier invited everyone to attend the City Council meeting the following
79 night to express their concerns. Ms. Bingham stated as a homeowner in Marcella Meadows, she
80 relies on the zoning ordinances to protect her property. She bought in a residential area not
81 commercial and she expects the City Council and the Planning and Zoning to respect the zoning
82 area. Ms. Bingham stated that her biggest concern is the safety of the children. There are a lot
83 of children at Discovery Elementary and Vernal Middle School in the area that walk or ride
84 bikes. Isaac Bird, 577 South 400 West, commented that the children in the area are not bused to
85 school. Ms. Bingham stated that the corner of 500 West 400 South is very busy. The speed limit
86 on 500 West has been lowered to "25". On any day you can go down that road and see officers
87 giving people tickets to slow down. Ms. Bingham stated that it is scary to watch the children
88 walk back and forth to school. Eventually a new elementary school will be built by the
89 Recreation Center and that it is close enough that it would impact the traffic. Ms. Bingham
90 asked if changing the zoning to commercial and adding businesses along the edge of the
91 neighborhood, how is it going to be a positive and safe change for the community and how will it

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help?" There are already so many empty commercial buildings. Why come into a residential area and change it to commercial and build professional buildings, businesses that will bring in more congestion and traffic into the area with all the children walking? Ms. Bingham would like to know what specific problem is the City trying to solve or capitalize on by changing the land from residential to commercial and who is going to measure the traffic increase for the children so they will be safe. Ms. Bingham stated that her primary concern was for the children walking in the area.

Sharon Bills, 2614 North 250 West, stated that she lives in the County and had been newly appointed to the School Board. As she was preparing for her first School Board meeting, she had received the Vernal Express the day of and the property re-zone was on the front page. At the School Board meeting she expressed concern to the board members and school district that she was concerned about businesses going on the property. Ms. Bills stated that she was a bus driver for thirty-one years and for the last seven years she had been scheduling the routing of the buses for the school district. Ms. Bills stated she had an idea of traffic control and knows how narrow 500 South is. Buses had to be routed for the north side and south side of the street because it was too dangerous for children to cross the street. Scott Gessel asked for the address of Discovery Elementary. Ms. Bills stated it is located around 600 West 1200 South.

Isaac Bird, 577 South 400 West, stated he agrees with the previous comments of Pat Bingham and Sharon Bills. There was an accident on 400 South last week and other accidents have occurred in the past. Mr. Bird stated that he does not want more traffic on an already congested area. Kathleen Gray asked if there was a law that there must be a sidewalk for school children. Ms. Bills answered that they do not have to have a sidewalk according to the state.

Jon Stearmer, 625 South 400 West, stated that he works for the County for Planning and Zoning, so he understands that zoning can be changed. Mr. Stearmer stated that his concern is that when property is re-zoned, then anything that is allowed under that zone is permitted or it can go to a conditional use permit. There can be agreements made between the City and the developer concerning a particular application, but if for some reason it falls through, the zoning is already there and anything that is permitted within the re-zone can be developed. There are no guarantees to the neighboring properties. Mr. Stearmer stated that he is not as concerned about professional buildings on the lot, but concerned about the heaviest C-2 use being allowed on the property because there are no safeguards. If it does go forward, Mr. Stearmer, asked that whatever goes on the corner lot of 500 South 500 West, that there be no access. Whatever goes on the north side, that there is no access on 400 West. He agreed with his neighbors that there are a lot of children in the area. Police are going up and down 500 South with the shootings in the area. Kimball Glazier asked Mr. Stearmer what he meant by his statement of a development agreement falling through. Mr. Stearmer explained that if for any reason the developer decides to pull out and sell the raw property, that development does not attach to the land. Allen Parker explained that it would revert back to its previous zone. The applicant would have to follow through with the agreement to build what was proposed. If that was not fully built and a heavy user comes in and demolishes everything, it terminates the agreement and will revert back to R-1. Mr. Stearmer stated that they would be relying on the enforceability of the development agreement and that zoning will be clear, but it comes down to what is allowed in the zone and everything else is subject to legal challenge.

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Isaac Bird asked if it could be added to the development agreement that there would be no access to the commercial property from 400 West. Mr. Parker explained that it would be a contract between the City and the developer and the City can require there be no access on 400 West, but the Planning Commission cannot require it only the City Council has the ability to determine the conditions and make the decision. The Planning Commission only makes recommendations. Scott Gessell asked for clarification on whether there were more kids on 400 West than 500 West going to school. Mr. Bird stated that he made the request because he lives on 400 West.

Pat Bingham stated the in Vernal City laws it states the City laws were adopted and enacted for the purpose of promoting health, safety and welfare. Ms. Bingham stated that it is very clear there is a safety issue with the proposal.

Wendy Bunnell, 416 West 650 South, stated she agreed with the previous comments and is also concerned about the children. Ms. Bunnell stated that she is a real estate agent and was an appraiser in the past and is not so concerned about the value of the property as about the desirability. Ms. Bunnell stated she was curious about two things. First, will there be lighting around the buildings shining into windows. Will they be on twenty-four hours a day? Second, are the homes on 400 West going to be two story homes? The reason being that ranch homes sell quicker and would not want to be looking into each others windows. Ms. Bunnell stated that she would like to see the buildings have access and face 500 South. It might help with the safety of the children.

Veronica Stearmer, 264 West 300 South, stated she has grandchildren that live in the Marcella Meadows. Ms. Stearmer stated that the projected long term general plan for the area took her by surprise and she asked for an explanation of the general plan for the proposed area as it was the first time she had heard about the general plan. Allen Parker explained that the proposed area and the adjoining corners could potentially become C-2 zones according to the general plan which was approved within the last year after several meetings and public hearings. Mr. Parker also stated that the general plan gives guidance to what can and cannot go in the areas of the City. Ms. Stearmer stated that she wished she had more time to process this new information instead of just hearing about it for the first time and having to go to the City Council the following night. Ms. Stearmer asked if the proposed re-zone could be extended for another month to give everyone some time to process the information. Kimball Glazier explained that it would be up to the City Council as to whether or not the proposed re-zone will be tabled for another month.

Jon Stearmer explained that he was wondering if there were other tools that would be available where the zoning would not be affected. A tool that would limit the zone change as much as possible, but allows the developer to develop the property.

Nick Richins handed out a copy of some buildings he liked and might build on the proposed property. Mr. Richins stated that he could propose ten lot residential subdivision. Mr. Richins' intention was to create a buffer zone so that no residential values were negatively affected by what was going to happen on the north end of the property and to increase value of the surrounding property. Mr. Richins explained that he did not know what kind of homes would be built on the residential portion of the property, but has plans for ranch style and two story style homes. Mr. Richins wondered if Sharon Bills was representing the school district and if so, he

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184 expected the school district to speak out against all development around Discovery Elementary
185 and hoped that the school district would be to the City Council meeting the following night. Mr.
186 Richins stated he did not have an answer for speeders in the area, but his plans were to have no
187 more entrances on 400 West except for the four that is there. His plans were to face the
188 driveways toward 500 South and 500 West. Mr. Richins stated that he did not have a
189 configuration or buyers yet, but when he does he will go through the building process and his
190 intention would be to keep traffic off 400 South. Mr. Richins explained that he is concerned for
191 the safety of the children and he would install curb and gutter on 500 South and 500 West, that
192 might help keep the kids off the road and onto the sidewalk. There is also a ditch that has been
193 abandoned that he would cover it up which would also help with the safety of the children. Mr.
194 Richins explained that there is a code with certain requirements for lighting that he would be
195 willing to comply with. Allen Parker informed everyone that when at a public meeting, all
196 comments should be addressed to the presiding entity and not the audience. Sharon Bills is not
197 against investment or growth. The City is going through some growing pains. Ms. Bills
198 explained that she does not work for the school district nor does she represent them. She attended
199 the meeting due to her concern about traffic and the safety of the children in the area. Ms. Bills
200 stated that something needs to be done with the traffic in the area and that Vernal City should
201 conduct a study for that purpose.

202
203 Robert Stearmer, 264 West 300 South, stated that he was a former principle at Discovery
204 Elementary and at the time he was a principle, he tried to figure out how to evacuate four
205 hundred students from Discovery Elementary with the traffic. Now there are seven hundred
206 students and more traffic. There will be a new school built near the Uintah Recreation Center
207 and the City should be thinking about the safety of the students and how to control traffic for the
208 schools and the children in the event of an emergency. Mr. Stearmer reiterated Jon Stearmer's
209 statement about a development agreement. Mr. Stearmer stated that there are over sixteen empty
210 homes and assorted businesses near his neighborhood and there have been many Uintah County
211 residents laid off recently. Mr. Stearmer stated that with all the empty businesses, maybe the City
212 should be helping those businesses owners who have invested in the community. Mr. Stearmer
213 stated that when the yearly construction is being done on 500 South, the traffic is routed through
214 the residential areas and it does not make the residents of those areas very happy. Mr.
215 Stearmer explained that when he purchased his home it was a long term investment and he did
216 his homework on where he wanted to live. Vernal is a great place to live.

217
218 Kimball Glazier closed the public hearing. Mr. Glazier commented that he also lives in the area
219 and understands their concerns. 500 South and 500 West are major traffic corridors. They will
220 be heavily traveled. Mr. Glazier stated that there are requirements of the developer with curb,
221 gutter and sidewalks and Mr. Richins could actually widen 500 South and would be an
222 improvement making it safer. Mr. Glazier stated that sometimes a development helps areas
223 resolve problems. Mr. Glazier explained that the economy does not matter. It does not matter
224 whether there is a market or not it is up to Mr. Richins because of his personal property rights.
225 The Planning Commission makes recommendations to the City Council and it is up to the City
226 Council to make the decision. Scott Gessell stated that he too was concerned about the safety of
227 the children, but if Mr. Richins builds, he would put in curb, gutter and sidewalk which would be
228 an improvement and would help with safety issues. Veronica Stearmer commented that a lot of
229 the comments made need to be made to the school board about having crossing guards and

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maybe a light if the area is too busy. Ms. Stearmer recognized that there have already been improvements made on the Mr. Richins' lot. Mr. Gessell stated that regardless of what is built on the lot, there will still be traffic issues and the school board needs to address. Sharon Bills stated that crossing guards come from the City and County. Jon Stearmer commented that whether the lot is zoned residential or commercial, the builder would be required to install sidewalks and gutters. Mr. Glazier clarified that the development of the property would benefit the road situation. Ms. Bills stated that with the new elementary being built just south of Recreation Center, that the City should look into the traffic flow and crossing guard issues. *Kathleen Gray moved to forward a positive recommendation to the City Council with a development agreement stating there will not be an access on 400 West on the request for recommendation of a re-zone for Nick Richins for the properties located at 509 South 500 West and 589 South 500 West, Vernal, Utah-Application No. 2015-017-REZ. Scott Gessell seconded the motion. The motion passed with Kimball Glazier, Kathleen Gray, Scott Gessell and Ken Labrum voting in favor.* Mr. Glazier and Mr. Parker both encouraged everyone in attendance to attend the City Council meeting and express their concerns.

ADJOURN: There being no further business, Scott Gessell moved to adjourn, Kathleen Gray, seconded the motion. The motion passed with a unanimous vote, and the meeting was adjourned.

Kimball Glazier, Temporary Planning Commission Chair

Awaiting Formal Approval



MEMORANDUM

DATE: November 6, 2015
TO: Vernal City Planning Commission, file
FROM: Allen Parker *AP*
RE: Trevor Carter Rezone 2015-015-REZ

On September 8th, the Planning Commission conducted a public hearing in conjunction with the above noted application. At the conclusion of the hearing there were some questions that the Planning Commission still had concerning the matter. Therefore, the item was tabled until the next time the Commission met. The October meeting was cancelled making this November meeting the next meeting. Included in your packet are the minutes from the meetings when the City Council approved the rezones of the Schaefermeyer and Mayberry properties immediately to the east of the property considered for rezone in this application. The City Council conducted a public hearing in October and continued that hearing on to their November 18th meeting. They intend to make a decision on the application as soon as they receive a recommendation from the Commission.

**PUBLIC HEARING: REQUEST FROM SHANE MAYBERRY TO REZONE
PROPERTY AT 351 NORTH 500 WEST FROM AN R-1 RESIDENTIAL ZONE TO A
CP-2 PLANNED COMMERCIAL ZONE - ORDINANCE NO. 2004-15:**

Russ Pearson explained that the Planning Commission heard this request from Shane Mayberry to rezone property at 351 North 500 West which is just south of the Basin Clinic construction site. He explained that this time had been set for a public hearing on this request. Also, he explained that the Planning Commission, in their review, is recommending that the rezone only be allowed on this property only 250 feet back from 500 West instead of the full depth of the property. The reasoning for this is to keep a buffer between commercial development and the neighboring residents. Russ Pearson showed the Council where the CP-2 commercial boundary would be if the rezone is approved as recommended. Councilmember Mashburn asked if the original request was to rezone the entire parcel. Russ Pearson stated that it was. Councilmember Mashburn asked if the State had approved another entrance for this property. Russ Pearson stated that UDOT has not looked at a site plan yet. There was some discussion regarding traffic and the possible extension of 400 North. Marilyn Oscarson explained that she is selling this property, and the remainder of the property would be single family homes. Norm Pease, property owner at 295 N 500 West, stated that he lives close to this property, and when he originally built his home, the whole area was zoned R-1 residential. He stated that his expectation was that it would stay that way, and he did not want to look at business property. He further stated that there is plenty of commercial property on Main Street and did not see a need to convert more area to commercial. Marilyn Oscarson stated that she thought Mr. Pease was planning a commercial development at one time. Norm Pease stated that things changed and that he is not going to do any commercial building. Further, Mr. Pease stated that the vehicles speed around the corner, and with more cars being added, it will get worse. Edith Hall stated that the construction has caused a lot of dirt to stir up, and the traffic speed is fast, making it hard to enter the roadway. She stated that there are other areas for commercial buildings. Councilmember Allan Mashburn stated that the Council was aware that when the corner was rezoned the expectation was there would be more businesses. Shane Mayberry described his plans for the building, explaining that it will be similar to the family history building. Also, behind the professional office building will be rose gardens, lawn, fountains and a gazebo which will provide a buffer between the building and the residential homes. The parking lot will be in front of a one story building similar in size and dimension to the family history center. Further, Mr. Mayberry stated that he has looked at land on Main Street, but it is difficult to find. Councilmember Cowan asked if he would guarantee that the green space described would be installed. Shane Mayberry stated that it will be included on the site plan, but he could not commit to eighty years. Nadine Partridge stated that she is also concerned about the traffic, and possibly another outlet will be needed. Councilmember Cowan stated that the traffic lights being placed on the Maeser highway will give some relief. However, it took ten years for approval of those traffic lights. Nadine stated that there has been discussion about additional access to the high school for some time, but nothing has been done. Councilmember Reynolds stated that the clinic will be required to put in a turn lane. Shane Mayberry stated that he prefers access to 500 West as the traffic seems to move slower than on 500 North. Marilyn Oscarson stated that she would rather see a well kept building than raw ground. Councilmember Mashburn asked if there was any opposition at the Planning Commission hearing. Russ Pearson explained that Kevin and Janice Allred attended, asked questions, and were concerned about the commercial encroaching on residential, but they did not indicate they opposed the development. Councilmember Clark stated that they were opposed if the rezone included the entire parcel. After further discussion, Councilmember Clark moved to approve the rezone request as recommended by the Planning Commission and approve Ordinance No. 2004-15. Councilmember Mashburn seconded the motion. The motion passed with the following majority vote:

Councilmember Clarkaye;

Councilmember Mashburnaye;
Councilmember Parker.....aye;
Councilmember Reynoldsnay;
Councilmember Cowan nay.

PUBLIC HEARING: REQUEST OF MIKE SCHAEFERMEYER TO REZONE PROPERTY FROM R-1 TO R-3 AT 325 NORTH 500 WEST - ORDINANCE NO. 2006-02

- RUSS PEARSON: Mike Schaefermeyer stated that he is looking at developing a piece of property just south of Basin Clinic into an office building. The property is currently zoned R-1 and he would like it to be changed to an R-3 zone to do this. Mayor Mashburn asked what had happened at the Planning Commission regarding this request. Russ Pearson explained that there was one property owner, Norm Pease, who mentioned his concerns regarding the buildings of 4-plexes next to his property if this property was rezoned. He did not have a problem with the office complex. The Planning Commission is considering changing the general plan to show low density instead of medium density for the property immediately west. However they are recommending approval of the rezone request of Mr. Schaefermeyer. Russ stated that part of the Mayberry property was rezoned to CP-2 a year ago. Councilmember Dennis Glines asked if these properties to be rezoned were connected. Russ Pearson stated that they are not adjacent. One property is behind the current commercial property. Councilmember Dennis Glines asked why this property would be an R-3 residential instead of commercial. Russ Pearson stated that it would serve as a buffer between the commercial and R-1 residential zones. Councilmember Bert Clark stated that when the Council considered rezoning the other piece of Mr. Mayberry's property to a commercial zone, it was indicated that the back portion would be used as greenery. He asked why the change. Shane Mayberry stated that he did not want to use all of that section for landscaping, and when Mike Schaefermeyer became interested in doing this project, it was thought that the R-3 was better for an office building. Further, he stated that he does want a lot of nice greenery to the front of the building. Councilmember Clark stated that one concern with higher density is the amount of traffic entering the highway. Russ Pearson stated that the ingress and egress will be addressed during the review of the site plan. Councilmember Dennis Glines asked what the zoning is surrounding this property. Russ Pearson stated that the clinic to the north is commercial, the property to the south is R-1, and the property to the west is zoned R-3. Mayor Mashburn asked if the neighboring property owners understand that the office building is not a guaranteed commitment. Russ Pearson stated that Mr. Pease understood this. Mayor Mashburn asked if there were any further public comments. Shane Mayberry stated that the low density designation would serve the purpose in that area and asked the Council to consider it. Russ Pearson stated that any changes to the general plan requires a public hearing of the Planning Commission and Council. Councilmember Dennis Glines asked if there was anything that would hold up the low density. Marilyn Oscarson stated that the neighbors would be thrilled with the low density to protect the area. Councilmember Cal Dee Reynolds moved to adopt Ordinance 2006-02 approving this rezone request. Councilmember Sonja Norton seconded the motion. The motion passed with majority vote with Councilmembers Cowan, Reynolds, Norton and Clark voted in favor and Councilmember Glines voted against the motion.



VERNAL PLANNING COMMISSION STAFF REPORT

ITEM: B1

DATE: 3 September 2015

APPLICATION:	2015-015-REZ (Trevor Carter)		
APPLICANT:	Trevor Carter		
LOCATION:	379 North 500 West		
PARCEL	05:001:0049	ZONE:	R-1
NUMBER(S):		ACREAGE:	2.6 Acres

ANALYSIS:

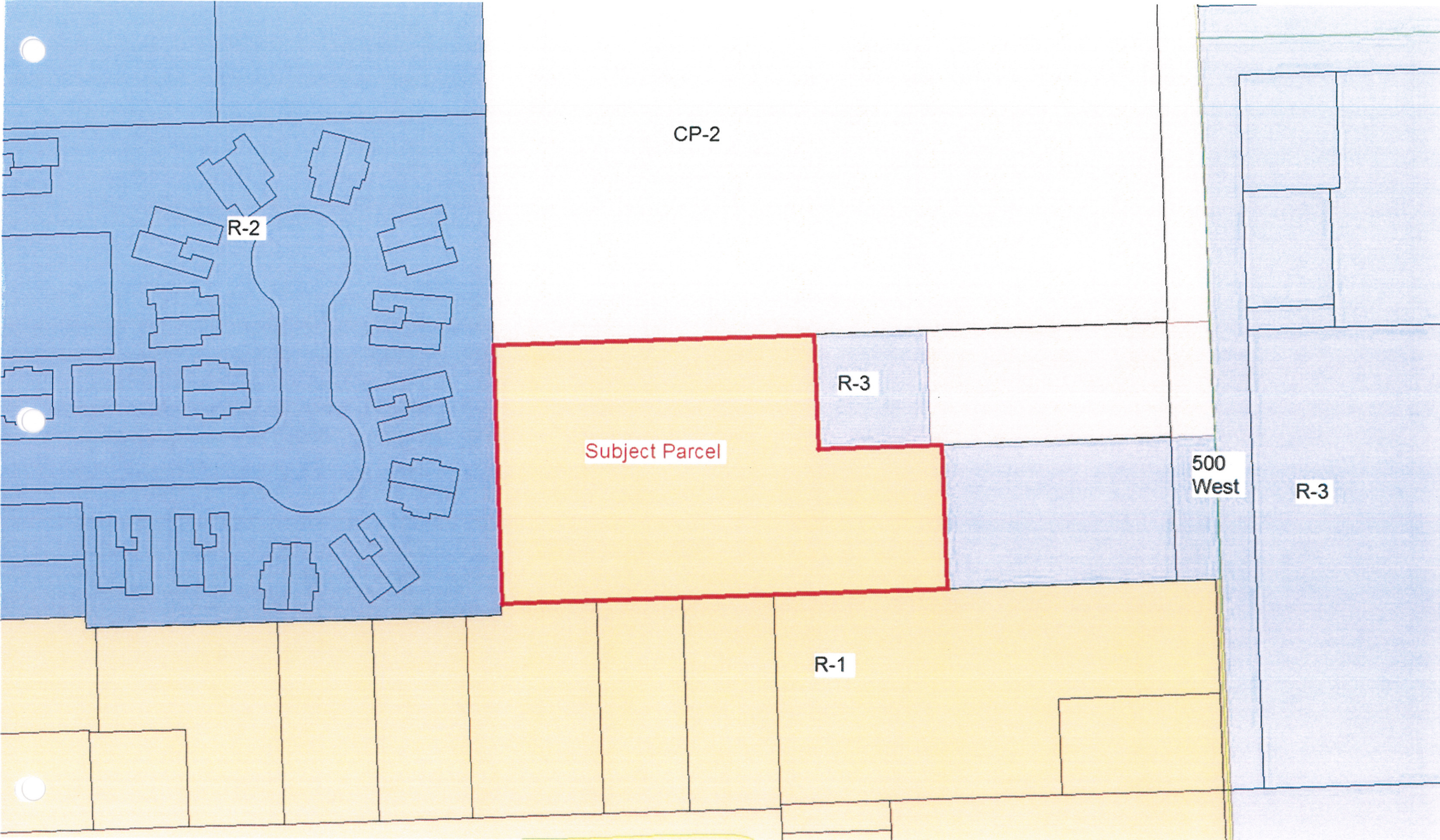
Trevor Carter is requesting that the zoning map be amended changing parcel 05:001:0049 located at 379 North 500 West, from its current designation of **R-1** to **R-4**. The area of the request is currently vacant. The adjoining parcel to the north is zoned CP-2. The parcel to the west is zoned R-2 and the parcels to the east are zoned R-3. The remaining parcels to the south are zoned R-1. Surrounding land uses include residential and institutional/medical (Urgent Care Center). The Vernal City General Plan indicates future land use for the area of the request to be "commercial", with a slim portion of the lot on the west shown as "low density residential". Aside from the slim portion on the west edge, the area is also included in the "mixed use" area. The "mixed use" designation is compatible with the request and prevents this request from being considered "spot zoning."

STAFF RECOMMENDATIONS:

The application has been made in accordance with the requirements Vernal City Code and is approvable.

A handwritten signature in blue ink, appearing to read "Allen Parker".

Allen Parker
Assistant City Manager





Subject Parcel

500
West

W 400 N

121

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Google earth

[Click to see historical imagery from 1997.](#)


Tour Guide

1997

Imagery Date: 6/21/2015 40°27'36.51" N 109°32'29.53" W elev. 5384 ft eye alt 6598 ft



MEMORANDUM

DATE: November 6, 2015
TO: Vernal City Planning Commission, file
FROM: Allen Parker 
RE: Manufactured Homes

A proposal is being made to amend Vernal City Code as it relates to manufactured homes build prior to a certain date. I am including the definition of manufactured homes from City Code to illustrate the dates to which I am referring.

Section 16.04.365 Manufactured home.

A transportable factory-built housing unit constructed, reconstructed or remodeled on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. All manufactured homes constructed, reconstructed, or remodeled on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured, and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

The proposal is to change how we manage homes manufactured prior to the dates indicated in the above definition. More details on how the code would change will be provided at the meeting.

THESE SECTIONS ARE THE ONES IN OUR CURRENT CODE THAT REFERENCE FENCES:

Section 9.32.020 Barbed wire and similar fences prohibited.

A. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

1. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.

2. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size.
(Added during 1993 recodification)

Section 16.04.240 Fence.

A tangible barrier or obstruction of any material with the purpose or intent, or having the effect of preventing passage or view across the fence line. It includes hedges and walls. (PZSC § 03-15-048)

Section 16.24.055 Fencing for multi-family developments.

A. This section shall apply to multifamily developments having five (5) or more dwelling units.

B. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

1. The fence shall be sight obscuring;
2. The fence shall be six (6) feet in height;
3. The fence shall not be required along any road frontage;
4. The fence shall not impede the view of vehicular traffic in a way that would create a hazard to the public.

C. The Planning Commission may waive the fencing requirement in accordance with the following:

1. The required fence is immediately adjacent to another multi-family development, and ;
2. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

D. The fence shall be built in accordance with all other City ordinances.

Section 16.24.080 Fence height requirements.

A. No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of four (4) feet; nor shall any fence or other similar structure be erected in any side yard or rear yard to a height in excess of seven (7) feet except when authorized by a conditional use permit. Rear yards abutting against a front yard may not have a

fence, hedge, or block wall erected higher than four (4) feet except as allowed by a conditional use permit.

B. For dwellings on corner lots, fences other than see-thru fences erected in the side yard and rear yard bordering on a street shall be limited to a height of four (4) feet, unless a clear vision triangle, as defined herein, is maintained at all street intersections and automobile street accesses.

C. Where a fence is erected upon a retaining wall or where, for other reasons, there is a difference in the elevation of the surface of the land on either side of a fence, height of the fence shall be measured from a point halfway between the top of the retaining wall and the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four (4) feet in height measured from the surface of the land on the side having the highest elevation. (PZSC § 03-11-008)

D. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.

E. Building permits shall be required and obtained from the Building Official for the construction of all fences prior to any fence being constructed.

F. In addition, all fences must meet the specific requirements of the zone in which it is constructed as defined herein.

THE FOLLOWING SECTION WOULD REPLACE ALL OF THE ABOVE SECTIONS, EXCEPT 16.04.240 WHICH DEFINES FENCES. ALL USE TABLES WOULD BE AMENDED TO INCLUDE FENCES AS A PERMITTED USE.

16.20.350 Fences

A. Parcels with up to four (4) dwelling units

1. Fences in front yards or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height.

2. Except as provided in section C, fences in rear and side yards shall be limited to seven (7) feet in height.

3. Fences along parcel frontages in side or rear yards shall be limited to four (4) feet in height unless they do not obstruct sight.

B. Parcels with more than four (4) dwelling units

1. A fence shall be erected around the perimeter of multifamily developments in accordance with the following:

- a. The fence shall be sight obscuring, and;
- b. Except as provided in section C, the fence shall be a minimum of six (6) feet and a maximum of seven (7) feet in height, except any fence in a front yard or abutting a front yard on an adjoining parcel shall be limited to four (4) feet in height, and;
- c. The fence shall not be required along any road frontage;
- d. The fence shall not impede the view of vehicular traffic in a way that would create a hazard to the public.

2. The Planning Commission may waive the fencing requirement in accordance with the following:

- a. The required fence is immediately adjacent to another multi-family development, and ;
- b. The owner of the adjacent multi-family development consents in writing to the waiver of the fencing requirement.

3. The fence shall be built in accordance with all other City ordinances.

C. Parcels with a residential use – fences exceeding seven (7) feet

1. On parcels with a residential use, fences in excess of seven (7) feet may be allowed as a conditional use in accordance with the following:

- a. The fence must be in a side or rear yard.
 - b. The fence must not abut a front yard on any other adjoining parcel.
2. In considering a fence as a conditional use, the following items shall be evaluated:
- a. The proximity of other occupied structures impact on said structures; and
 - b. The impact of odors on adjacent uses.

D. Parcels with a non-residential use

E. Barbed Wire Fences

1. It is unlawful to erect or maintain a barbed wire fence, or to cause the same to be erected or maintained; provided, however:

- a. Barbed wire may be used at the top of a fence not otherwise constructed with barbed wire if the barbed wire is not closer than six (6) feet to the ground. This subdivision shall not apply to a fence which is located on a common boundary between residential lots.
- b. Barbed wire may be used as part of a fence which is closer than six (6) feet to the ground if the fence encloses a lot or pasture which is used at least six (6) months in each calendar year to lawfully maintain one or more horses, cows, sheep or other domestic animals of similar size.

F. Temporary fences

1. Temporary fences up to eight (8) feet in height of a see through type may be erected in any zone for construction and/or demolition purposes. Application for a temporary use permit shall be required as outlined in Section 16.24.150 of this Title.

G. All fences shall not obstruct the clear vision triangle as defined in Vernal City Code.

H. Building permits required

1. With the exception of temporary fences, a building permit shall be required for the construction of a fence.